

9 FAM 41.62 NOTES

(CT:VISA-794; 02-15-2006)
(Office of Origin: CA/VO/L/R)

9 FAM 41.62 N1 QUALIFYING FOR AN EXCHANGE VISITOR VISA (J-1)

(CT:VISA-794; 02-15-2006)

An applicant applying for a visa under INA 101(a)(15)(J) must meet the following requirements in order to qualify for an exchange visitor visa:

- (1) Acceptance to a designated exchange visitor program, as evidenced by presentation of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status (see 9 FAM 41.62 N3).
- (2) Possession of sufficient funds, or adequate arrangements, to cover expenses.
- (3) Sufficient knowledge of English to undertake the proposed program (and compliance with the requirements of Section 212(j) INA), if coming to participate in a graduate medical education or training program (see 9 FAM 41.62 N6).
- (4) Present intent to leave the United States at conclusion of program (see 9 FAM 41.62 N5).
- (5) Possession of qualifications for the program offered (see 9 FAM 41.62 N7).
- (6) Compliance with INA 212(e) (see 9 FAM 40.202 and 22 CFR 41.63).
Consular officers must annotate the Form DS-2019 (see 9 FAM 41.62 N3).

9 FAM 41.62 N2 DEFINITIONS AND CATEGORIES OF PARTICIPANTS

9 FAM 41.62 N2.1 The Exchange Visitor Program

(CT:VISA-777; 10-11-2005)

- a. The purpose of the Exchange Visitor Program (J-visa) is to further the foreign policy interest of the United States by increasing the mutual understanding between the people of the United States and the people of

other countries by means of mutual educational and cultural exchanges. The ultimate goal is to meet this purpose while protecting the health, safety, and welfare of the foreign nationals participating in the Program as exchange visitors. Only organizations that have been designated by the Department's Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs (ECA) may participate.

- b. The Office of Exchange Coordination and Designation, which administers the Exchange Visitor Program, is located at:

Bureau of Educational and Cultural Affairs
Department of State
State Annex SA-44
301 4th Street, SW, Room 734
Washington, DC 20547

- c. The Exchange Visitor Program Office is comprised of two Divisions, as follows:

Academic/Government Programs Division
Exchange Visitor Program Categories: College and University Students, Professors, Research Scholars, Teachers, Short-Term Scholars, Specialists, Secondary School Students, International Visitors, Government Visitors

Telephone: (202) 203-5029

Fax: (202) 453-8640

Private Sector Programs Division
Exchange Visitor Program Categories: Au Pair, Camp Counselor, Summer Work/Travel, Trainee, Alien Physician

Telephone (202) 203-5096

Fax: (202) 203 5087

9 FAM 41.62 N2.2 Designation as an Exchange Visitor Program Sponsor (22 CFR 62.6)

(CT:VISA-777; 10-11-2005)

Details concerning designation as an exchange visitor program sponsor are contained at 10 FAM 250.

9 FAM 41.62 N2.3 Mandatory Exchange Visitor Classification in Certain Cases

(CT:VISA-777; 10-11-2005)

Participants in exchange visitor programs sponsored by the Department or Agency for International Development (AID) (Program Serial Numbers G-1 and G-2, respectively), must be documented as exchange visitors rather than in another category (such as F-1), even if they qualify for that category. Participants in exchange visitor programs sponsored by other U.S. Government agencies (Program Serial Number G-3) or participants in a Federally Funded National Research and Development Center (Program Serial Number G-7), must also be documented as exchange visitors if participation is directly financed in whole or in part by the sponsoring agency. A participant within these categories may not be issued a student visa even though the university to be attended by the participant may also have issued a Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status – for Academic and Language Students, in the participant's name. An exchange visitor visa issued to such a participant must designate the G series program, even though the university being attended may also have issued a Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, designating the university's private (P-series) exchange program.

9 FAM 41.62 N3 FORM DS-2019, CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR (J-1) STATUS

9 FAM 41.92 N3.1 The Basic Form

(CT:VISA-777; 10-11-2005)

Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is the basic document required to support an application for an exchange visitor visa (J-1). It is a one-page document, which can only be produced through the Student and Exchange Visitor Information System (SEVIS) the Department of Homeland Security (DHS) database developed to collect information on F, M, and J visa holders. (See 9 FAM 41.62 N10). No blank SEVIS forms exist. Each document is printed with a unique identifier known as a "SEVIS ID Number" in the top right-hand corner, which consists of an "alpha" character (N) and up to eleven numerical characters (e.g. N00002123457). The Office of Exchange Coordination and Designation designates United States organizations to conduct exchange programs. When designated, the organization is authorized access to SEVIS and the exchange visitor program sponsor is then able to produce Form DS-2019 from SEVIS. The program sponsor transmits completed forms to the potential exchange visitors and his or her spouse and minor children. Program sponsors only issue forms to potential exchange visitors when it has been determined that they have met all regulatory requirements to

participate in their exchange program for a specific activity. Consular officers must receive a completed Form DS-2019 with no data missing. Responsible officers must sign the Form DS-2019 in blue ink in order for the form to be valid for use.

9 FAM 41.62 N3.2 Processing of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status

(CT:VISA-794; 02-15-2006)

- a. All exchange visitors, unless personal appearance has been waived under 9 FAM 41.102, must read and sign the certificate on the reverse side of copy 1 of Form DS-2019, Certificate of Eligibility for Exchange Visitor J-1 Status, at the time of visa issuance. The certificate indicates that the visa applicant understands all conditions of the stay in the United States in J status and understands also that a consular or immigration officer will make a preliminary determination as to whether the applicant is subject to the 2-year home country physical presence requirement. The applicant then agrees to comply with that requirement if it is determined to be applicable.*
- b. A consular or immigration officer makes the preliminary determination regarding the applicability to the alien of the 2-year home country physical presence requirement after a personal interview with the alien. The consular or immigration officer then signs page 1 of Form DS-2019 indicating the determination made by the officer. (The Department reserves the right to make the final determination).*

9 FAM 41.62 N3.3 Serial Numbers of Designated Exchange Visitor Programs

(CT:VISA-794; 02-15-2006)

When the Office of Exchange Coordination and Designation designates an organization or agency as a program sponsor, it is enrolled in SEVIS and assigned a unique number (referred to as the Program Number) that is used to identify their program. The program sponsor number is assigned based upon the following series:

- (1) G-1–Department of State
- (2) G-2–U.S. Agency for International Development (USAID);
- (3) G-3–U.S. Federal agencies;
- (4) G-4–International agencies or organizations in which the U.S. Government participates;

- (5) G-5–Other national, state, or local government agencies;
- (6) G-7–Federally funded national research and development center or a U.S. federal laboratory;
- (7) P-1–Educational institutions, e.g., schools, colleges, universities, seminaries, libraries, museums, and institutions devoted to scientific and technological research;
- (8) P-2–Hospitals and related institutions;
- (9) P-3–Non-profit organizations, associations, foundations, institutions (academic institutions conducting training programs can be classified as a P-3 as long as they are considered non-profit); and
- (10) P-4–For-profit organizations (business and industrial concerns).

9 FAM 41.62 N3.4 Requirement for Form DS-2019 Certificate of Eligibility for Exchange Visitor (J-1) in Case of Spouse and/or Children

(CT:VISA-794; 02-15-2006)

Each accompanying J-2 spouse or child of a principal J-1 alien is required to have a separate Form DS-2019 issued by the sponsoring exchange visitor program and will have a unique SEVIS ID number. It is not possible to issue dependent J-2 visas on the basis of the principal alien's Form DS-2019.

The J-2 must present this evidence to both the consular officer and the immigration officer at the port of entry (POE).

9 FAM 41.62 N3.5 Classification of Child Who Will Attend School in the United States

(CT:VISA-794; 02-15-2006)

A child qualified for a J-2 is not required to qualify under INA 101(a)(15)(F)(i) as a nonimmigrant student even though the child will attend school while accompanying the principal alien. (See 9 FAM 41.11 N5.2.)

9 FAM 41.62 N3.6 Processing of Form DS-2019 at Port of Entry (POE)

(CT:VISA-794; 02-15-2006)

- a. At each time of admission to the United States, an exchange visitor must present the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, along with the visa to the immigration officer. Thus, after a

J-1 has been issued, the consular officer must return the completed Form DS-2019, together with all supporting financial evidence, to the alien for presentation to the U.S. Immigration Officer at the port of entry (POE). Upon the alien's arrival, the immigration officer will examine the documentation and return the financial evidence to the alien.

- b. If the alien is admitted, Department of Homeland Security (DHS) will return the Form DS-2019 to the individual endorsed with an admission number. The alien must safeguard the form at all times. If alien loses it, he or she must obtain a replacement copy from the designated program sponsor official.

9 FAM 41.62 N4 Categories of Exchange Visitors

(CT:VISA-729; 04-11-2005)

At present, the Department has thirteen (13) categories of exchange (two categories are included under "Student"). Foreign nationals participating in exchange visitor programs may only engage in activities authorized for their program. The following is a list of categories (listed in alphabetical order), a brief description of the category and the duration of participation for each:

9 FAM 41.62 N4.1 Alien physician (22 CFR 62.27)

(CT:VISA-729; 04-11-2005)

- a. An Alien physician – This category is for foreign physicians pursuing American medical board certification through graduate education and training at accredited U.S. schools of medicine, or other U.S. institutions through a Clinical Exchange Program.
- b. The Educational Commission for Foreign Medical Graduates (ECFMG) is the only program sponsor authorized to use this category. Foreign medical graduates under this category must successfully complete examinations administered by ECFMG that measure their command of English and the medical sciences.
- c. Foreign medical graduates must be pursuing American medical board certification.
- d. All foreign medical graduates are subject to the two-year home-country physical presence requirement (see 9 FAM 41.63 Notes).
- e. Exception to ECFMG Sponsorship: A foreign physician may be sponsored by a designated program sponsor other than ECFMG (e.g., a U.S. university, academic medical center, school of public health, or other public health institution) as a "research scholar" ONLY IF:

- (1) The activities DO NOT include any clinical activities involving direct patient care;
- (2) The program sponsor's letter of designation authorizes the use of the "research scholar" category; and
- (3) DURATION: The duration of participation is limited to seven years, unless the Department approves an extension.

9 FAM 41.62 N4.2 Au Pair (22 CFR 62.31)

(CT:VISA-729; 04-11-2005)

- a. Au pair - This category is for an individual entering the United States for a period of one year for the purpose of residing with an American host family (or the family of a legal permanent resident) while directly participating in their home life and providing limited childcare services. The au pair is also required to enroll and attend classes offered by an accredited U.S. post-secondary institution for not less than six semester hours of academic credit, or the equivalent. As a condition of participation, host family participants must agree to facilitate the enrollment and attendance of the au pair and to pay the cost of such academic course work in the amount not to exceed \$500. Failure to adhere to the education component is grounds for termination from the program.
- b. EduCare - In August 2001 the regulations governing the Au Pair Program were amended to create a subcategory called EduCare. This component is specifically designed for families with school-aged children requiring limited child care assistance. Au pairs participating in the EduCare component may not be placed with families having pre-school aged children unless alternative arrangements are in place for these children. EduCare participants are not to work more than 10 hours a day/30 hours a week. They must complete a minimum of 12 semester hours of academic credit, or its equivalent, during their program. Host families provide the first \$1,000.00 to the au pair toward the cost of the educational component. EduCare participants receive 75% of the pre-determined weekly wage that is required for an au pair participant.
- c. Participation in the au pair program is normally limited to one year/one sponsor only – repeat participation is prohibited. In addition, au pairs are not to be placed in the homes of family/relatives, irrespective of the distance in relations (e.g., third cousin, great aunt and/or uncle, etc).
- d. Duration: The duration of participation is limited to one year only.
- e. Pilot Program - Au Pair Extension Program - In February 2003, the Department, in response to requests from the au pair community, announced a pilot program in which Department of State designated au

pair sponsors may request that an au pair participant be granted an extension of program participation beyond the original twelve months. Au pair program sponsors may request an au pair participant be granted an additional six, nine, or twelve-month extension of program participation. The sponsor must:

- (1) Make a request electronically in the SEVIS system;
 - (2) Notify the Bureau of Educational and Cultural Affairs (ECA) of the request; and
 - (3) Pay the applicable processing fee.
- f. This is a Pilot Program that will last until February 4, 2007. ECA will evaluate the program and decide whether to make the changes permanent after that date. If ECA approves the extension, it will update the current SEVIS record of the participant to reflect the new program end date. The program sponsor will then print the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, sign the form in blue ink and give it to the participant for presentation to a consular officer in applying for a new visa. The extension cannot be for a time period longer than two years from the initial program start date. A consular official may issue a J-1 visa to an au pair for participation in the au pair program beyond one year only on the basis of this new Form DS-2019.
- g. Pilot Program - Summer Au Pair Program – In February 2003, the Department, in response to requests from the au pair community, announced a Summer Au Pair program. This program will continue to operate as a pilot through the summers of 2005 and 2006.
- h. Participants in the Summer Au Pair Pilot program will be able to act as au pairs during the U.S. summer for a maximum of four months between June 1, 2005 and September 30, 2005, and between June 1, 2006 and September 30, 2006.

9 FAM 41.62 N4.3 Camp counselor (22 CFR 62.30)

(CT:VISA-729; 04-11-2005)

- a. Camp counselor – This category is for an individual selected to be a counselor in an accredited U.S. summer camp (during the U.S. summer months) who imparts skills to American campers and information about his or her country or culture.

NOTE: While it is recognized that some non-counseling chores are an essential part of camp life for all counselors, this program is not intended to assist American camps in bringing in foreign nationals to serve as administrative personnel, cooks, nurses, physicians or menial laborers, such as dishwashers or janitors.

- b. Duration: The duration of participation shall not exceed four months.

9 FAM 41.62 N4.4 Government visitor (22 CFR 62.29)

(CT:VISA-729; 04-11-2005)

- a. Government Visitor - This category is for an individual who is recognized as an influential or distinguished person, and who is selected by a Federal, State, or local Government Agency to participate in observation tours, discussions, consultations, professional meetings, conferences, workshops, and travel.
- b. This category is for the "exclusive use" of U.S. Federal, state, and local government agencies.
- c. Duration: The duration of participation shall not exceed eighteen months.

9 FAM 41.62 N4.5 International Visitor (22 CFR 62.28)

(CT:VISA-729; 04-11-2005)

- a. International Visitor – This category is for an individual who is a potential or recognized leader in their own country, selected by the Department for consultation, observation, research, training, or demonstration of special skills in the United States.

NOTE: This category is for the exclusive use of the U.S. Department of State.

- b. Duration: The duration of participation shall not exceed one year.

9 FAM 41.62 N4.6 Professor (22 CFR 62.20)

(CT:VISA-777; 10-11-2005)

- a. Professor - This category is for an individual who is involved primarily in teaching, lecturing, observing, or consulting at accredited post-secondary educational institutions, museums, libraries, or similar institutions. The professor may also conduct research and participate in occasional lectures unless disallowed by the program sponsor.
- b. The professor's appointment to a position shall be temporary, even if the position itself is permanent. The individual shall not be a candidate for a tenure-tracked position.
- c. On June 10, 1996, the Department adopted a rule which limits program participation as a professor and/or research scholar to nonimmigrant aliens who have not been physically present in the United States in J-visa

status, for all or part of the twelve month period preceding their (re)entry into the U.S. as a professor or research scholar participant. An exception to that rule was provided to nonimmigrant aliens present in the U.S. for less than six months or whose presence in the U.S. was as a program participant in the category of short-term scholar.

- d. Alien short-term scholars and physicians are governed by regulations set forth in 22 CFR 62.21 and 27, respectively.
- e. Duration: The duration of participation shall not exceed five years.
- f. Two-year bar: N11.4 describes the conditions for participation beyond five years.

9 FAM 41.62 N4.7 Research Scholar (22 CFR 62.20)

(CT:VISA-794; 02-15-2006)

- a. Research scholar – This category is for an individual whose primary purpose is to conduct research, observe, or consult in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited educational institutions, or similar types of institutions. The research scholar may also teach, lecture, and participate in occasional lectures and short-term consultations unless disallowed by the sponsor. The research scholar's appointment to a position shall be temporary, even if the position itself is permanent. The individual shall not be a candidate for a tenure-tracked position.
- b. On June 10, 1996, the Department adopted a rule which limits program participation as a professor or research scholar to nonimmigrant aliens who have not been physically present in the United States in J-visa status, for all or part of the twelve month period preceding their (re)entry into the U.S. as a professor or research scholar participant. An exception to that rule was provided to nonimmigrant aliens present in the U.S. for less than six months or whose presence in the U.S. was as a program participant in the category of "short-term scholar."
- c. Alien short-term scholars and physicians are governed by regulations set forth in 22 CFR 62.21 and 27, respectively (see 9 FAM 41.62 N4.8 below).
- d. Minimum qualifications for this category are a Masters degree, or a Bachelors degree with significant experience in the field in which research will be conducted. (Significant is not defined.)
- e. Duration: The duration of participation shall not exceed *three* years unless directly sponsored by a Federally Funded National Research and Development Center or a U.S. Federal Laboratory (Program Serial G-7).
- f. Two-year bar: N11.4 describes the conditions for participation beyond

five years.

9 FAM 41.62 N4.8 Short-Term Scholar (22 CFR 62.21)

(CT:VISA-777; 10-11-2005)

- a. A short-term scholar - This category is for a professor, research scholar, or person with similar education or accomplishments coming to the United States on a short-term visit for the purpose of lecturing, observing, consulting, and to participate in seminars, workshops, conferences, study tours, professional meetings or similar types of educational or professional activities.
- b. On June 10, 1996, the Department adopted a rule which limits program participation as a professor/research scholar to nonimmigrant aliens who have not been physically present in the United States in J-visa status, for all or part of the twelve month period preceding their (re)entry into the U.S. as a professor or research scholar participant. An exception to that rule was provided to nonimmigrant aliens present in the U.S. for less than six months or whose presence in the U.S. was as a program participant in the category of "short-term scholar." However, exchange visitors who have previously participated in an exchange program in the U.S. for thirty-six (36) months or more are not expected to attempt to reenter the U.S. to rejoin their original program sponsor as this is considered to be a continuation of their original program objective.
- c. Duration: The duration of participation shall not exceed six months.

9 FAM 41.62 N4.9 Specialist (22 CFR 62.26)

(CT:VISA-777; 10-11-2005)

- a. Specialist – This category is for an individual who is an expert in a field of specialized knowledge or skill coming to the United States for observing, consulting, or demonstrating their special skills except:
 - (1) Research scholars and professors, who are governed by regulations set forth at 62.20;
 - (2) Short-term scholars, who are governed by regulations set forth at 62.21; and
 - (3) Alien Physicians in graduate medical education or training, who are governed by regulations set forth in 62.27.
- b. Duration: The duration of participation shall not exceed one year.

9 FAM 41.62 N4.10 Student

9 FAM 41.62 N4.10-1 Secondary School Student (22 CFR 62.25)

(CT:VISA-729; 04-11-2005)

- a. Secondary school students: This category affords foreign students an opportunity to study in a United States high school while living with an American host family. Participants in this category must meet the following three requirements:
 - (1) Be a secondary school student in their home country who has not completed more than eleven years of primary and secondary schooling, excluding kindergarten;
 - (2) Be at least the age of 15 but not more than 18-1/2 years of age at the time of the initial school enrollment; and
 - (3) Has not previously participated as an exchange visitor for high school studies in the U.S. Screening factors such as English language proficiency, maturity, character, and scholastic aptitude are critical.
- b. Sponsors are required to secure permanent host family placement prior to the student's entry into the United States. In addition, all students must be authorized, in writing, for high school enrollment prior to entry into the U.S. All sponsors are required, in addition to the orientation requirements set forth in 22 CFR 62.10, to provide students, prior to their departure from their home country, with the following information:
 - (1) A summary of all operating procedures, rules, and regulations governing student participation in the exchange program;
 - (2) A detailed profile of the school, family, and community in which the student is placed; and
 - (3) A detailed summary of travel arrangements.
- c. Duration: The duration of participation is a minimum of one academic semester or a maximum of one academic year.

9 FAM 41.62 N4.10-2 College/University Student (22 CFR 62.23)

(CT:VISA-777; 10-11-2005)

- a. A College or university student: In order to participate, an individual must be someone who is:
 - (1) Studying in the United States; pursuing a full course of study at a secondary accredited educational institution; pursuing a full course of study leading to or culminating in the award of a U.S. degree from a post-secondary accredited educational institution; or

engaged full-time in a prescribed course of study in a non-degree program of up to 24 months duration conducted by a post-secondary accredited educational institution; or

- (2) Participating in academic training as permitted in 22 CFR 62.23(f); or
 - (3) Engaged in English language training at a post-secondary accredited educational institution, or an institute approved by or acceptable to the post-secondary accredited educational institution where the college or university student is to be enrolled upon completion of the language training supported totally by the home government.
- b. Exchange visitors participating in the college or university student category must be supported substantially by funding from any source other than personal or family funds. The exception would be students who are participating in an exchange program in which there is a written, formal exchange agreement.
 - c. Exchange visitors are prohibited from entering the U.S. solely for the purpose of participating in academic training, unless their absence from the U.S. was for vacation.
 - d. Duration: Duration of participation is determined by whether the exchange visitor is a degree or non-degree student. An explanation of each is provided as follows:

9 FAM 41.62 N4.10-3 Degree Students

(CT:VISA-729; 04-11-2005)

Exchange visitor students who are in degree programs shall be authorized to participate in the Exchange Visitor Program as long as they are either:

- (1) Studying at the post-secondary accredited educational institution listed on their Form DS-2019, Certification of Eligibility for Exchange Visitor (J-1) Status, and are:
 - (a) Pursuing a full course of study as set forth in 22 CFR 62.23(e), and;
 - (b) Maintaining satisfactory advancement towards the completion of their academic program; or
- (2) Participating in an authorized academic training program as permitted in 22 CFR 62.23(f).

9 FAM 41.62 N4.10-4 Non-degree Students

(CT:VISA-729; 04-11-2005)

Exchange visitors who are non-degree students shall be authorized to participate in the Exchange Visitor Program for up to 24 months, if they are either:

- (1) Studying at the post-secondary accredited educational institution listed on their Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, and are:
 - (a) Participating full-time in a prescribed course of study; and
 - (b) Maintaining satisfactory advancement towards the completion of their academic program; or
 - (c) Participating in an authorized academic training program as permitted in 22 CFR 62.23(f).

NOTE: Exchange visitors are prohibited from entering the U.S. solely for the purpose of participating in academic training, unless their absence from the U.S. was for vacation.

9 FAM 41.62 N4.10-5 Summer Work/Travel (SWT)

(CT:VISA-777; 10-11-2005)

- a. Summer work/travel (SWT) - In this category, a student is defined as a bona fide foreign post-secondary student currently enrolled in and actively pursuing a degree or a full-time course of study at an accredited educational institution, or as that status is defined in the alien's home country educational system.
- b. Duration: The duration of participation shall not exceed four months.
- c. Designated sponsors of summer and/or work travel exchange programs are obligated to pre-arrange employment for at least 50 percent of their participants. For those participants for whom employment has not been pre-arranged, sponsors must:
 - (1) Ensure that participants have sufficient financial resources to support themselves during their search for employment;
 - (2) Provide participants with pre-departure information that explains how to seek employment and secure lodging in the United States;
 - (3) Prepare and provide a job directory that includes at least as many job listings as the number of participants entering the United States without pre-arranged employment; and,
 - (4) Undertake reasonable efforts to secure suitable employment for participants unable to find jobs on their own after one week.
- d. Definition of student: The Summer Work/Travel program is available only to bona fide foreign post-secondary students currently enrolled in and actively pursuing a degree or a full-time course of study at an accredited

educational institution, or as that status is defined in the alien's home country educational system, such as:

- (1) Summer Work/Travel (SWT) participants must demonstrate that they are bona fide students who are maintaining student status and are actively pursuing their degree per their local educational system in order to participate in the summer work/travel program. They must demonstrate that they will resume activities as a student after participation in the SWT program.
- (2) It is not necessary for the student to be enrolled in the same institution both before and after participating in SWT in order to qualify. Students can participate if they are transferring from one school to another, if they have finished an academic program and are going on to another full-time program, or if they are continuing on to graduate school. Documentation, satisfactory to the consular officer, that the applicant has been accepted for and will commence studies upon their return may be accepted to establish status as a continuing student.
- (3) A Student who has completed all requirements for a degree, but has not formally graduated, and who cannot demonstrate a resumption of studies after participation in the Summer Work/Travel program, no longer qualifies as a full-time student and is not be eligible for participation in the SWT program.
- (4) Students attending vocational schools are not eligible for Summer Work/Travel, unless they can demonstrate that study there will ultimately lead to a degree from a full-time institution.
- (5) There is no prohibition against students participating in Summer Work/Travel programs for more than one year.

9 FAM 41.62 N4.11 Teacher (22 CFR 62.24)

(CT:VISA-729; 04-11-2005)

- a. Teacher – This category is for an individual teaching full-time in a primary or secondary accredited educational institution. A foreign national must satisfy all of the following:
 - (1) Meet the qualifications for teaching in primary and secondary schools in his or her country of nationality or last legal residence;
 - (2) Satisfy the standards of the U.S. state in which he or she will teach;
 - (3) Be of good reputation and character;
 - (4) Seek to come to the U.S. for the purpose of full-time teaching at a primary or secondary accredited educational institution in the U.S.; and,

- (5) Have a minimum of three years of teaching or related professional experience.

b. Duration: The duration of participation shall not exceed three years.

9 FAM 41.62 N4.12 Trainee (22 CFR 62.22)

(CT:VISA-777; 10-11-2005)

- a. Trainee - This category is for an individual participating in a structured training program conducted by the program sponsor or its designated third party trainers. The primary purpose is to enhance the foreign national's skills in his or her specialty or non-specialty occupation through participation in a structured training program as well as to improve their knowledge and understanding of American techniques, methodologies, or expertise within their field of endeavor. Program sponsors are required to ensure that individual training plans are prepared for selected trainees, and that continuous supervision and periodic evaluation are provided. Training is limited to the occupational category and/or categories for which the program sponsor has obtained designation.
 - (1) This category includes flight training (see 22 CFR 62.22(n) and refer to Note on Flight Training below).
 - (2) The program sponsor may utilize the services of a third party in conducting its designated training program.
 - (3) Training is not permitted in what is considered to be "unskilled" occupations. Some examples are: bookkeepers; general and hotel clerks; dining room attendants; janitors; kitchen workers; farm and mine laborers; receptionists; porters; general sales clerks; truck and tractor-trailer drivers; recreational and amusement ushers; and yard workers.
- b. Duration: While the regulations state that the maximum period of participation in the Exchange Visitor Program for a trainee shall be 18 months total, this means that a training program can be of any length, but shall not exceed a cumulative total of 18 months. Designation language for all "training" programs will reflect the actual duration of training approved in accordance with the training plans submitted by the sponsor at the time of application. Flight trainees are limited to 24 months.

NOTE: Flight training must be provided under the Federal Aviation Administration's (FAA) Part 141 of Title 14 of the Code of Federal Regulations, which prescribes the requirements for issuing pilot school certificates. For more information, refer to the TSA's [Alien Flight Student Program](#).

9 FAM 41.62 N5 Residence Abroad

9 FAM 41.62 N5.1 Residence Abroad Required

(CT:VISA-729; 04-11-2005)

The INA requires that the applicant possess a residence in a foreign country he has no intention of abandoning. The regulations require that the consular officer be satisfied that the alien intends to depart upon termination of student status. Consequently, the consular officer must be satisfied that the applicant, at the time of visa application:

- (1) Has a residence abroad;
- (2) Has no immediate intention of abandoning that residence; and
- (3) Intends to depart from the United States upon completion of the program.

9 FAM 41.62 N5.2 Context of Residence Abroad for Exchange Visitor Visas

(CT:VISA-729; 04-11-2005)

The context of the residence abroad requirement for exchange visitor visas inherently differs from the context for B visitor visas or other short-term visas. The statute clearly presupposes that the natural circumstances and conditions of being an exchange visitor do not disqualify that applicant from obtaining a J visa. It is natural that the exchange visitor proposes an extended absence from his homeland (see 9 FAM 41.11 N2). Nonetheless, the consular officer must be satisfied at the time of the application for a visa that an alien possesses the present intent to depart the U.S. at the conclusion of his or her program. However, consular officers should not automatically assume that an exchange visitor visa applicant will return to a residence abroad merely because the applicant is subject to the two-year foreign residence requirement of INA 212(e) and the special restrictions of that section relating to changing nonimmigrant classification and adjusting to lawful permanent residence (LPR) status. A factor to consider is whether the skills that the alien expects to acquire in the United States can be readily and effectively utilized in the country to which he or she is returning.

9 FAM 41.62 N6 KNOWLEDGE OF ENGLISH

9 FAM 41.62 N6.1 General Conditions

(CT:VISA-777; 10-11-2005)

A prospective exchange visitor must have sufficient proficiency in the English language to undertake the anticipated program successfully.

9 FAM 41.62 N6.2 Graduate Medical Education or Training

(CT:VISA-729; 04-11-2005)

INA 212(j)(1)(B) requires competency in oral and written English on the part of every alien physician coming to the United States to participate in an exchange visitor program for graduate medical education or training. This requirement cannot be waived by a sponsoring organization.

9 FAM 41.62 N7 APPLICANT QUALIFICATIONS

(CT:VISA-777; 10-11-2005)

The Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is the basic document required to support an application for an exchange visitor visa and for maintaining exchange visitor status. However, should the consular officer doubt the applicant's qualifications for participation in an exchange visitor program, he or she should suspend action on the visa application and notify ECA's Office of Exchange Coordination and Designation (ECA/EC/ECD) so that it may take up the matter with the sponsor.

9 FAM 41.62 N8 EMPLOYMENT (22 CFR 62.16)

(CT:VISA-729; 04-11-2005)

- a. An exchange visitor may receive compensation from the program sponsor, or the sponsor's appropriate designee, for employment when such activities are part of the exchange visitor's program.
- b. An exchange visitor who engages in unauthorized employment shall be deemed to be in violation of his or her program status and is subject to termination as a participant of an exchange visitor program.
- c. The United States Department of Homeland Security (DHS) is responsible for authorizing the employment of dependents (e.g., accompanying spouse and minor children, J-2 visa holders) of the exchange visitor (J-1 visa holder).

9 FAM 41.62 N8.1 Student Employment

(CT:VISA-729; 04-11-2005)

a. There are two types of employment authorizations available for students on the J-visa:

- (1) Student employment; or
- (2) Academic training (see 22 CFR 62.23 for more information on academic training).

The difference between the two is that student employment occurs on-campus unless there is economic necessity; and, academic training is related to the student's field of study and in most cases, occurs off-campus and for a specified period of time.

b. Exchange visitors who are participating as college/university students are permitted to work and are limited to twenty (20) hours per week, except during school breaks and annual vacation, unless authorized for economic necessity. Some examples of student employment are:

- (1) Scholarship, Fellowship, or Assistantship: If the employment is required because of a scholarship, fellowship, or an assistantship, such activity usually occurs on campus with the school as the employer. In certain circumstances, however, the work can be done elsewhere for a different employer. For example: an exchange visitor may work in a government or private research laboratory if the exchange visitor's major professor (e.g., department chair) has a joint appointment at one of those locations and the employment is supervised and counts towards the exchange visitor's degree;
- (2) On-Campus: The Exchange Visitor Program regulations allow for jobs on-campus that are related and/or unrelated to study, which stipulates that the work can be done "on the premises" of the school. This means that the school does not have to be the employer. For example: exchange visitors could work for a commercial company, such as a food service operating on the campus;
- (3) Off-Campus: Exchange visitors may be authorized off-campus employment when "necessary due to serious, urgent and unforeseen economic circumstances" that have arisen since the exchange visitor's sponsorship on the J-visa.

9 FAM 41.62 N8.2 Summer Employment for Students Transferring from One J-Visa Program Sponsor to Another

(CT:VISA-729; 04-11-2005)

If an exchange visitor intends to transfer program sponsors during the summer months but wants to remain at the current program to work during the summer, the current program sponsor must delay the transfer procedure until after the period of employment. In order to permit the exchange visitor to stay in the current program, the period of employment must be included in the exchange visitor's program noted on the Form DS-2019.

9 FAM 41.62 N9 VISA APPLICATION PROCEDURES AND CONDITIONS

9 FAM 41.62 N9.1 Program Number

(CT:VISA-777; 10-11-2005)

A J-1 visa must be annotated to show the program number of the alien's exchange program, J visas must be annotated with the name and number of the exchange program in which the visa applicant is participating, as well as the SEVIS number of the individual. In most cases, the validity of a J-visa should correspond with the length of the program. A visitor must not use any single J-visa for a program other than that specified on the annotation, even when that J-visa has not yet expired. U. S. Agency for International Development (USAID) grantees, under exchange visitor program G-2-00263, should have their visas annotated.

9 FAM 41.62 N9.2 Suspension of Cases Involving Unrealizable Reporting Dates

(CT:VISA-777; 10-11-2005)

Action on the application must be suspended if the program start date specified in the applicant's Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is already past, or the consular officer believes that the applicant will be unable to meet that date. The officer should review the Consolidated Consular Database (CCD) to determine whether the program sponsor has amended the SEVIS record to change the program start date. If this has not already been done, the applicant must request the sponsor to enter a new program begin date in SEVIS that the applicant can meet.

Consular officers may issue a J-1 visa to an exchange visitor at any time who is has previously been admitted in J-1 status and is seeking a visa to continue participation in an exchange visitors program, as long as the alien has not been terminated in SEVIS.

9 FAM 41.62 N9.3 Entry of Exchange Visitor Program Participants Prior to Enrollment

(CT:VISA-777; 10-11-2005)

- a. Posts may issue an exchange visitor's visa to an applicant at any time as long as the Form DS-2019 remains valid. However, the visitor may not enter the United States earlier than 30 days before the initial program start date. Applicants continuing on an exchange visitors program are not subject to this restriction.
- b. An exchange visitor who desires an earlier entry must qualify for, and obtain, a visitor visa. In such a case, a notation must be made below the visa that the applicant is a prospective exchange visitor. If the applicant presents a fully completed Form DS-2019 and the required evidence of financial resources, the following notation must be made in the right-hand margin of the Form DS-2019: "B-2 VISA ISSUED ON (DATE)-- PROSPECTIVE EXCHANGE VISITOR (consular stamp)."
- c. At the time of issuance of the B-2 prospective exchange visitor visa, the visa-issuing officer must carefully explain to the applicant that, before beginning the program, he or she must obtain a change of classification to that of exchange visitor. The alien must file Form I-506, Application for Change of Nonimmigrant Status, with the requisite fee for this purpose. The alien must also submit the consular annotated Form DS-2019 and the required financial evidence to the DHS office at which the application is made.

9 FAM 41.62 N9.4 Thirty-Day (30) Grace Period/Travel Status

(CT:VISA-777; 10-11-2005)

- a. J-visa exchange visitors, upon entry into the United States are issued Form I-94, Arrival and Departure Record, marked "D/S." This document, along with a valid Form DS-2019, documents the valid nonimmigrant program status of an exchange visitor participant.
- b. The initial admission of the exchange visitor is not to exceed the period specified on the DS-2019, Certificate of Eligibility (the begin and end dates), plus a period of thirty days "for the purpose of travel" (see 8 CFR 214.2(j)). DHS, not the Department, established this 30-day "travel status period" or "grace period". The Department has concluded that the 30-day grace or travel status period was intended to be a period following the end of the exchange visitor's program and is to be used for domestic travel and/or to prepare for and depart from the U.S., and for no other purpose. Foreign nationals are under the jurisdiction of DHS during the grace period.

A program extension and/or transfer can only be issued during the period of time that the exchange visitor is in valid program status (i.e., prior to the end date on the Form DS-2019).

9 FAM 41.62 N9.5 Renewing J Visas for Returning Exchange Visitors

(CT:VISA-729; 04-11-2005)

Consular officers generally should not refuse to renew J visas to returning exchange visitors who have remained in status and have not had any significant changes in either their academic program or their personal circumstances. When an exchange visitor engaged in a program takes a short trip abroad and requires a visa to return to the United States, consular officers are encouraged to issue visas when possible to allow the student to complete his or her program.

9 FAM 41.62 N9.6 Multiple or Consecutive Exchange Programs

(CT:VISA-777; 10-11-2005)

An exchange visitor may participate in multiple or consecutive exchange programs unless otherwise limited or prohibited by the Exchange Visitor Regulations (see N 11.3 and 11.4 below, as well as [22 CFR 41.63](#)). Under no circumstances should a consular officer issue two separate J-1 visas for two different programs.

9 FAM 41.62 N10 STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS)

(CT:VISA-777; 10-11-2005)

The Student and Exchange Visitor Information System (SEVIS), is an internet-based database which tracks students and exchange visitors in F, M, and J visa status while in the United States. Using the SEVIS database, designated Exchange Visitor Program sponsors enter information into SEVIS, which is then printed on Form DS-2019.

SEVIS provides users with access to the database to enable authorized officials to update official records on exchange visitors and their dependants. SEVIS enables exchange program sponsors to transmit electronic information and event notifications, via the Internet, to the Department of State and Department of Homeland Security (DHS) throughout an exchange alien's stay in the United States. The information in the electronic SEVIS database is updated as needed and supercedes information on the printed

Form DS-2019.

Exchange Visitor Program sponsors designated by the Bureau of Educational and Cultural Affairs (ECA) must use SEVIS. Only a Form DS-2019 that has been issued through the SEVIS system, and contains a unique SEVIS identification number and bar code, may be accepted in support of an exchange visitor visa application. The Form DS-2019 must be signed in blue ink by a designated official. Non-SEVIS Form DS-2019s are not valid.

9 FAM 41.62 N10.1 Responsible and/or Alternate Responsible Officers

(CT:VISA-729; 04-11-2005)

Exchange visitor program sponsors designate individuals to perform the duties attendant to sponsorship. The primary person appointed as being responsible and thoroughly familiar with the Exchange Visitor Program regulations, policies, and SEVIS requirements is known as the "Responsible Officer (RO)." Individuals appointed to assist the RO in administering the program are known as "Alternative Responsible Officer(s) (AROs)." The RO is required to train and supervise the AROs. Both the RO and AROs are required to ensure that the exchange visitor obtains sufficient advice and assistance to facilitate the successful completion of their participation in their exchange program. ROs are also responsible for the security of the SEVIS system. Only RO and AROs are authorized to create Form DS-2019. In addition, all official communications relating to the exchange program with the Department of State and the Department of Homeland Security (DHS) is to be conducted through the RO and/or ARO. Both act as the custodian for the control, issuance, and distribution of Form DS-2019.

9 FAM 41.62 N10.2 SEVIS I-901 Fee

(CT:VISA-729; 04-11-2005)

The SEVIS I-901 fee is a one-time fee for persons applying for F, J, or M visas and covers the costs of administering the Student and Exchange Visitor Information System (SEVIS) and related enforcement efforts. Persons applying for initial J visas with Form DS-2019 bearing an issue date of September 1, 2004 or later must pay the SEVIS I-901 fee before applying for their visas. Persons with Form DS-2019 issued before that date are not subject to the SEVIS I-901 fee regardless of when they apply for their visa.

9 FAM 41.62 N10.3 SEVIS I-901 Fee Payment

(CT:VISA-777; 10-11-2005)

a. The SEVIS fee must be paid prior to visa application. Any F, J, or M

application presented without the required SEVIS fee should be refused under 221(g). However, applicants may schedule interview appointments before paying the fee. Consular sections will be responsible for verifying, through the SEVIS database, that the SEVIS fee has been paid but are not responsible for collecting it. Payment may be made by any SEVIS I-901 fee payment method provided for by the Department of Homeland Security (DHS).

- b. SEVIS I-901 fee payment verification will be available through the SEVIS database. In the absence of this verification, a SEVIS I-901 receipt is sufficient proof of SEVIS fee payment. Consular officers may accept any receipt approved by the Department of Homeland Security (DHS) as proof of SEVIS I-901 fee payment.
- c. The SEVIS I-901 fee is \$100, and is non-refundable. Short-term exchange visitors such as au pairs, summer work/travel (SWT), and camp counselors, must pay a reduced, \$35 fee. Individuals participating in a program sponsored by the Federal Government whose program number prefix begins with "G-1," "G-2," "G-3," or "G-7" are statutorily exempt from the fee. Refunds will only be made for payments made in error.
- d. Only principal J-1 aliens will have to pay the SEVIS I-901 fee. Even though J-2 derivative applicants have a unique SEVIS ID number, they do not have to pay a separate fee.
- e. The SEVIS I-901 fee is valid for twelve months from the date of the initial application. If an applicant is initially unsuccessful in obtaining a visa, he or she may apply again for the same or different program within twelve months without having to pay an additional SEVIS fee.
- f. The SEVIS fee must be paid for each exchange visitor program in which the applicant participates. A single program is defined by the category and/or sponsor at the time of initial program participation, and extends until a change of category (e.g., within the J-visa program, a change from research scholar to student), and/or within F, J, or M categories (e.g., a J-1 au pair who applies for a change of status to an F-1 student), a transfer from a fee-exempt sponsor (program number prefix begins with "G-1," "G-2," or "G-3") to a non-fee-exempt sponsor, or until such time as the nonimmigrant falls out of status or changes status.
- g. Persons who subsequently participate in a different program will have to pay another SEVIS fee pertaining to the new program, as applicable.
- h. DHS regulations currently provides for four options for payment:
 - (1) DHS has set up a lock box to accept fee payment by mail. Applicants will be able to submit a Form I-901, Fee Remittance for Certain F, M, and J Nonimmigrants, together with a check or money order drawn on a U.S. bank and payable in U.S. currency;

- (2) DHS has also set up a website on the Internet to accept electronic submission of Form I-901 and payment of the SEVIS fee using a credit card; (See SEVIS Fee for more information.)
 - (3) Exchange visitor program sponsors may elect to pay the fees for their participants and may do so by applying to DHS to participate in the "Bulk Filer" program. DHS must approve a sponsor to participate in this payment process; and
 - (4) The SEVIS I-901 fee may be paid via Western Union "Quick Pay" service in countries where this is available.
- i. SEVIS I-901 fee payment is not limited to payment by the individual applicant. DHS will accept fee payment from a third party individual or institution, either in the United States or abroad, using either option one or two above; the bulk payment option requires the prior approval of DHS.

9 FAM41.62 N10.4 Fee Waivers for Exchange Visitors

(CT:VISA-777; 10-11-2005)

United States Government (USG)-funded exchange visitors coming to the United States are eligible for Machine Readable Visa (MRV) fee waivers only if they are participating in a Department or United States Agency for International Development (USAID)-sponsored and funded educational and cultural exchange programs, or if they are USG employees traveling on official business. Exchange programs eligible for MRV exemption will contain either a G-1, G-2, G-3, or G-7 program number on the Form DS-2019, Certificate of Eligibility for Exchange Visitor J-1 Status. All other applicants with U.S. Government sponsorships, including other J-visa applicants, are subject to the MRV processing fee. Applicants participating in a U.S. government-sponsored program, however, are exempt from any applicable visa reciprocity fee.

9 FAM 41.62 N11 EXTENSION OF PROGRAM (22 CFR 62.43)

(CT:VISA-777; 10-11-2005)

- a. A Responsible Officer/Alternative Responsible Officer (RO/ARO) may extend an exchange visitor's participation in the Exchange Visitor Program up to the maximum duration of participation for the category in which they are participating, unless there is a limitation appearing in Section 2 of the Form DS-2019.

b. The maximum duration of stay for the categories is as follows:

- (1) Alien physician - limited to seven (7) years;
- (2) Au pair - one (1) year, with extension to two years, upon approval;
- (3) Camp counselor - not to exceed four (4) months;
- (4) Government visitor - not to exceed eighteen (18) months;
- (5) International visitor - not to exceed one (1) year;
- (6) Professor - not to exceed five (5) years unless directly sponsored by a federally funded national research and development center or a U.S. federal laboratory;
- (7) Research scholar - not to exceed three (3) years;
- (8) Short-term scholar - not to exceed six (6) months;
- (9) Specialist - not to exceed one (1) year; and
- (10) Student:
 - (a) Secondary school student - minimum one semester; Maximum: Not to exceed one academic year;
 - (b) College and/or university student - refer to 9 FAM 41.62 N4.10-2 or specific information;
- (11) Summer work travel – not to exceed four months (4);
- (12) Teacher – not to exceed three (3) years;
- (13) Trainee – not to exceed eighteen (18) months; or
- (14) Flight trainee – not to exceed twenty-four (24) months.

9 FAM 41.62 N11.1 Requests for Extensions beyond the Maximum Duration of Participation

(CT:VISA-777; 10-11-2005)

An RO or ARO seeking to extend the participation of an exchange visitor “beyond” the maximum duration of participation for the category in which the exchange visitor is participating must receive prior written approval from the Department for an extension of program. The RO or ARO must submit a request in SEVIS and provide the required written documentation in support of the request to the Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs (ECA/EC/AG or ECA/EC/PS) for approval.

9 FAM 41.62 N11.2 Department’s Policy on Extension of Program Participation While a Waiver

of the Two-Year Home-Residency Requirement is Pending

(CT:VISA-777; 10-11-2005)

Once an RO or ARO is notified by the Department that a favorable recommendation has been sent to the Department of Homeland Security (DHS) regarding a waiver request, the exchange visitor is no longer considered eligible for an extension beyond the end date shown on the current Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, even though he or she may not have completed the maximum duration of participation permitted for the category. However, if a waiver request is submitted and denied, the exchange visitor is considered to be within the maximum duration of participation and an extension may be issued by the sponsor up to the maximum duration permitted for that category.

9 FAM 41.62 N11.3 Twelve-Month Bar

(CT:VISA-777; 10-11-2005)

- a. The twelve-month bar applies to all potential and current exchange visitors (including J-2 dependents) who are being considered for the "research scholar" and "professor" category. For clarification purposes, some examples follow:
 - (1) Let's assume that an RO intends to issue a Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, to begin a new program in the research scholar or professor category and the start date for the program is January 1, 2000. The RO must ascertain whether the prospective exchange visitor has been physically present in the United States during the twelve (12) month period preceding January 1, 2000 (i.e., January 1, 1998 through December 31, 1999). An individual in the "short-term scholar" would not be blocked by the twelve-month bar because of the specific exemption to the bar set forth in 22 CFR 62.20(d)(ii)(C).
 - (2) If during the same twelve (12) month period (January 1, 1998 through December 31, 1999) the individual was physically present in the U.S. for less than six (6) months in any category other than "short-term scholar," he or she would not be subject to the twelve (12) month bar because of the exemption set forth in 22 CFR 62.20(d)(ii)(B).
 - (3) However, if this individual has been physically present in the U.S. for more than six (6) months in any category (or combination of categories) pursuant to participation in one or more J-visa

programs, other than "short-term scholar," he or she is subject to the twelve (12) month bar because neither of the exemptions set forth in (22 CFR 62.20(d)(ii)(B) or (C) apply.

Example: The exchange visitor who participates in two programs during the twelve (12) months immediately preceding the start date of an intended program (and is therefore physically present in the U.S.) in the research scholar or professor category, the duration of which totals more than six (6) months is subject to the bar because they were in the U.S. for more than six months (22 CFR 62.20(d)(ii)(B)).

9 FAM 41.62 N11.4 Two-Year Restriction for Professor and Research Scholar Category

(CT:VISA-777; 10-11-2005)

- a. On May 19, 2005 regulations governing the Professor and Research Scholar category were amended (22 CFR 62.20) to extend the duration of program participation for professors and research scholars from three years to five years. This rule also permits an extension beyond five years for participants under the direct sponsorship of a federally funded national Research and Development Center or a U.S. Federal Laboratory. These sponsors are identified in the Student and Exchange Visitor Information System (SEVIS) with a separate program serial (G-7) in order to differentiate them from other sponsors designated to conduct exchange activities in the categories of research scholar and professor that are limited to a five-year program duration.
- b. The five-year duration of program participation begins with the participant's program begin date or initial program begin date (for continuing exchange visitors) identified in SEVIS and ending five years later. The five-year period is calculated in calendar years from the participant's program begin date documented in SEVIS at the time the SEVIS record is validated. The Department assumes an exchange participant will actively pursue research or teaching opportunities for the entire five-year period.
- c. The five-year period afforded to a participant is on a "use or lose" basis. A participant afforded five years of participation is not eligible to return to the United States in the same category for a period of two years (24 months) immediately following completion of the five-year period.
- d. The two-year restriction applies to all potential and current exchange visitors (including J-2 dependents) who are being considered for the "research scholar" and "professor" category. For clarification purposes, some examples follow:

- (1) A professor who enters the United States on September 1, 2005, may leave the United States and return several times within the five years until August 31, 2010. After August 31, 2010, this individual cannot return to the United States in a professor or research scholar exchange visitor category for two years (i.e., their program begin date as a professor or research scholar could not be earlier than September 1, 2012.)
- (2) A participant who completes a professor or research scholar exchange program at one institution for a period of less than five years, then remains outside the United States for a minimum period of two years, is eligible to begin another five-year program. If the period of time outside the United States is less than two years, the participant is still considered to be within the five-year period of time from the initial program. If the participant completes a program at one institution which is less than five years (e.g., four years), the participant has the option to either have the current program extended up to the maximum duration of five years, transfer to another institution for one additional year, or return home and fulfill the two year bar.